UNITED TRACE DISTRICT COURT		
OLAN	for the	FILED
1.1 m	District of California  2017 PER ORDER OF COURT	MAR <b>0 3</b> 2016
(Briefly describe the property to be searched or identify the person by name and address)	) Case No.	CLERK US DISTRICT COURT DUTHERN DISTRICT OF CALIFORNIA
Google, Inc, 1600 Amphitheatre Parkway, Mountain View, CA 94043 for account: exhercimes centers 3@gmail.com	) )	

for account: cybercrimescenterc3@gmail.com	)
APPLICATION FOR	A SEARCH WARRANT '16 MJ 0 61 8
penalty of perjury that I have reason to believe that there is	for the government, request a search warrant and state under s now concealed on the following person or property  California (identify the person or describe property to
The person or property to be searched, described a property to be seized): see Attachment B	above, is believed to conceal (identify the person or describe the
The basis for the search under Fed. R. Crim. P. 41  very evidence of a crime;	(c) is (check one or more):
contraband, fruits of crime, or other items	illegally nossessed:
property designed for use, intended for us	
☐ a person to be arrested or a person who is	
The search is related to a violation of18 U facts: See attached affidavit	J.S.C. § 912 , and the application is based on these
<b>☑</b> Continued on the attached sheet.	
Delayed notice of days (give exact ending under 18 U.S.C. § 3103a, the basis of which is	
	Thur Handlell
	Stirling Campbell, HSI Special Agent  Printed name and title
Sworn to before me and signed in my presence.	
Date: 3/3/16	Judge's signature
City and state: San Diego, CA	Karen S. Crawford, United States Magistrate Judge  Printed name and title

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#### AFFIDAVIT IN SUPPORT OF APPLICATION FOR SEARCH WARRANT

I, Special Agent Stirling Campbell, upon being duly sworn do hereby state that the following is true to my knowledge and belief:

I am a Special Agent with the Department of Homeland Security (DHS), Homeland Security Investigations (HSI), and have so employed since April 2006. I am currently assigned to the Special Agent in Charge (SAC) San Diego Office, Cyber Crimes Group within HSI in San Diego, California. Prior to this time, I worked as a United States Customs and Border Protection Officer in Los Angeles and Long Beach, California for approximately two (2) years and two (2) months. I have a Bachelor's Degree in Economics from the University of California, San Diego. I have received training from the Federal Law Enforcement Training Center in the area of child pornography investigations and pedophile behavior. have assisted in executing numerous search warrants involving computers/cybercrimes. I am currently assigned to the Internet Crimes Against Children (ICAC) task force in San Diego, California. This task force includes members of the San Diego Police Department, San Diego County Sheriff's Department, U.S. Postal Inspection Service, Federal Bureau of Investigations, Naval Criminal Investigative Service, U.S. Attorney's Office and the San Diego County District Attorney's Office. Throughout my tenure with HSI, I have participated in numerous investigations involving child exploitation, human trafficking, human smuggling, financial crimes and narcotics. As an HSI Special Agent assigned to the ICAC task force, I investigate criminal violations relating to child exploitation, child pornography and cybercrimes, including violations pertaining to impersonating an officer, in violation of Title 18, United States Code, Section 912, blackmail, in violation of Title 18, United States Code, Section 873, extortion through interstate communications, in violation of Title 18, United States Code, Section 875, mailing

> 1|Page Affidavit

Google Search Warrant Affidavit In re Investigation of Charles Roberts

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threatening communications, in violation of Title 18, United States Code, Section 876, and receiving proceeds of extortion, in violation of Title 18, United States Code, Section 880. As a federal agent, I am authorized to investigate violations of laws of the United States and I am a law enforcement officer with the authority to execute warrants issued under the authority of the United States. In preparing this affidavit, I have discussed the facts of this case with other law enforcement officers, including agents within HSI and the Office of Professional Responsibility (OPR).

- 2. This affidavit is made in support of an application for a warrant to search for and seize evidence related to potential violations of Title 18, United States Code, Sections 912, 873, 875, 876, and 880, at the location described in Attachments A-1 and A-2, for evidence described in Attachment B.
- 3. This affidavit is based upon information I have gained through training and experience, as well as upon information relayed to me by other individuals, including law enforcement officers. Since this affidavit is being submitted for the limited purpose of securing a search warrant, I have not included each and every fact known to me concerning this investigation but have set forth only the facts that I believe are necessary to establish probable cause to believe that evidence relating to potential violations of Title 18, United States Code, Sections 912, 873, 875, 876, and 880, described in Attachment B, is located at Attachments A-1 and A-2.
- 4. Based upon the following information, I believe there is probable cause to believe that currently located within Attachments A-1 and A-2 there is evidence

 concerning potential violations of Title 18 U.S.C. Sections 912, 873, 875, 876, and 880, more particularly described in Attachment B.

#### BACKGROUND ON GOOGLE AND GMAIL EMAIL ACCOUNTS

5. Google is a corporation that provides Internet services worldwide. Google's electronic mail service Gmail.com allows Internet Service Provider (ISP) subscribers to communicate with other ISP subscribers and with others through the Internet via email communication.

#### **INVESTIGATIVE RESULTS**

6. On or about August 17, 2015, the Joint Intake Center (JIC) received a complaint from an individual (hereafter referred to as V1). V1 stated he was contacted by an agent from HSI's Cyber Crime Center (C3)<sup>1</sup> in order to extort money from him. V1 stated the agent identified himself as "Charles ROBERTS" and demanded five hundred dollars (\$500) in order to forestall a pending arrest warrant for V1. V1 sent \$500 per ROBERTS' instructions via MoneyGram Reference Number 99283061. V1 said ROBERTS used the email address c3childexploitaiondivision@gmail.com [sic] and phone number (407) 731-7186.

The Cyber Crimes Center (C3) is a legitimate section under HSI. It is comprised of the Cyber Crimes Unit, Child Exploitation Investigations Unit, and Computer Forensics Unit. HSI's C3 delivers computer-based technical services to support domestic and international investigations into cross border crimes and provides training to federal state, local and international law enforcement agencies.

Senior Special Agent (SSA) James Grundy and I have conducted searches and are not aware of an individual named "Charles Roberts" listed within the agency HSI or C3, as an agent.

- 7. On November 24, 2015, SSA Grundy with HSI's Office of Professional Responsibility and I interviewed V1. V1 stated that during the month of July or August, 2015, he corresponded over email with a person that he believed to be an adult female. He met this person through Craigslist, a classified advertisements website, which includes personals.
- 8. V1 stated that approximately two (2) days after his communications with this woman he received a call from "911." When V1 answered, a male identified himself as "Charles ROBERTS," an agent assigned to the "C3 Child Exploitation Division" in Florida. ROBERTS accused V1 of soliciting a minor on Craigslist and viewing a photo of the alleged minor. ROBERTS claimed that he had an arrest warrant for V1 as a result of this violation. ROBERTS then detailed specifics about V1's employment. (V1 later deduced that ROBERTS likely gained knowledge of his employment by querying V1's phone number, which is linked to V1's professional profile on the website LinkedIn.)
- 9. ROBERTS told V1 that according to the C3 investigation, V1 had not been in trouble for prior violations. ROBERTS said, as a result, he spoke with a C3 supervisor who agreed to allow the warrant to be cleared if V1 promptly paid a five hundred dollar (\$500) fine. ROBERTS emailed a copy of a "Warrant Purge" document to V1 reflecting what would be filed to nullify the warrant as long as the fine was paid. See Exh. 1 (scaled to fit on one page). V1 recalled ROBERTS used a Gmail account with the words "c3" and "child exploitation" in the address. V1 stated the "Warrant Purge" displayed the DHS seal, a judge's name, legal jargon

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28 29 related to child exploitation and represented ROBERTS as an officer from the "C3."

- ROBERTS directed V1 to a nearby Walmart and told V1 to use 10. MoneyGram to send the funds, since MoneyGram was backed by the federal government and equipped to send ROBERTS a secure payment. V1 completed the money transfer per ROBERTS' instruction. V1 stated after he paid the fine, he then took a closer look at the "Warrant Purge" and realized there were spelling errors in the document and that it probably was a fake. V1 stated ROBERTS again tried to contact him to pay additional fines. V1 subsequently made the report of the extortion.
- 11. On November 24, 2015, V1 provided SSA Grundy and me a copy of the email he had received from ROBERTS on Saturday, August 1, 2015, at 10:47 a.m. Pacific Standard Time (PST). ROBERTS used the email address c3childexploitaiondivision@gmail.com [sic] and attached the document that V1 interpreted as a copy of a warrant. See Exh. 1. The document is entitled "Warrant Purge" and reflects a payment of \$500. In summary, the "Warrant Purge" contains the DHS seal with the heading "IN THE DISTRICT COURT OF JUSTICE OF THE STATE OF California FIFTH DISTRICT." Within the body of the document, the investigating agent is identified as "detective CHARLES ROBERTS EMPLOYED AND SWORN IN UNDER THE C3 CHILD **EXPLOITATION UNIT."**

12. On December 11, 2015, I submitted a DHS Summons to Google, Inc., requesting all information associated with c3childexploitaiondivision @gmail.com. The summons was accompanied by a court order commanding Google not to disclose the existence of the DHS Summons. See 15MC1444.

13. On or about December 15, 2015, Google responded to the DHS Summons and provided one file pertaining to the Google account-holder identified with **c3childexploitaiondivision@gmail.com**, with internal Reference Number 651819. The following information was provided by Google:

Name: Charles Roberts

e-Mail: c3childexploitaiondivision@gmail.com

Services: Gmail, Google Talk, Web History Created on: 2015/07/26-20:50:56-UTC

Terms of Service IP: 64.45.224.30, on 2015/07/26-20:50:56-UTC

Google Account ID: 482292487891

Service remained ongoing through at least December 15, 2015.

- 14. On February 16, 2016, SSA Grundy and I interviewed an additional victim (hereafter referred to as V2). V2 stated that he had been on the personals section of Craigslist in July or August 2015. V2 gave an account similar to V1 about how he initially began communicating with a person he believed to be an adult female. He was then contacted by ROBERTS. ROBERTS identified himself as an agent with HSI's C3 and accused V2 of soliciting a minor.
- 15. V2 confirmed he had also spoken with ROBERTS on phone number (407) 731-7186 during the months of July/August, 2015. V2 stated that ROBERTS has

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changed his phone number several times after their initial phone conversation. V2 stated thirty (30) minutes before meeting with SSA Grundy and I on February 16, 2016, he had spoken to ROBERTS. At that time, ROBERTS was using the phone number (407) 613-9452. ROBERTS continued to identify himself as a Special Agent with Homeland Security and wanted to be apprised if any other Federal Law Enforcement Agencies were ever to speak with V2 concerning his (ROBERTS') investigation.

- 16. During the interview, V2 provided SSA Grundy and me with an email that he received from ROBERTS on August 22, 2015, at 8:40 a.m. PST. This email also contained a document titled "Warrant Purge." *See* Exh. 2 (scaled to fit on one page). The document is similar to the previously described "Warrant Purge" document sent to V1, although this Warrant Purge contains V2's name and it was sent to V2 under a new email address, cybercrimescenterc3@gmail.com.
- 17. V2 stated he also sent monetary transactions in the forms of Homeland Security "fees" and "fines" via MoneyGram to ROBERTS at his request. Summons results from MoneyGram confirm multiple transactions sent by V2 to ROBERTS and picked up at a Wal-Mart in Kissimmee, Florida. Open records checks reflect the area code (407) used by the two (2) previously-mentioned phone numbers used by ROBERTS are based principally on Orlando, Florida, but also includes all of Orange, Osceola, and Seminole counties. Kissimmee is a city located in Osceola County, Florida.

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The United States has not attempted to obtain this data by other means. 18.

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#### **GENUINE RISKS OF DESTRUCTION**

19. Based upon my experience and training, and the experience and training of other agents with whom I have communicated, electronically stored data can be permanently deleted or modified by users possessing basic computer skills. A preservation letter was sent to Google on or about February 18, 2016, ordering the preservation of associated with data the Gmail account cybercrimescenterc3@gmail.com. On or about February 26, 2016, a Google representative informed SSA Grundy that Google will preserve records for 90 days, to the extent such data exists.<sup>1</sup>

### INTERNET SERVICE PROVIDER (ISP)

Google is an Internet company, which, among other things, provides 20. electronic communication services to its subscribers. Google's electronic mail service allows subscribers to communicate with others through the Internet. ISP subscribers access Google's services through the Internet.

I recently noticed that, unfortunately, our preservation letter for c3childexploitaiondivision@gmail.com incorrectly spells the email address correctly as "c3childexploitationdivision@gmail.com."

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Subscribers to Google may use screen names during communications with 21. others. The screen names may or may not identify the real name of the person using a particular screen name. Although Google requires users to subscribe for a free account, Google does not verify the information provided by the subscriber for its free services.

#### PROCEDURES FOR ELECTRONICALLY STORED INFORMATION

- Federal agents and investigative support personnel are trained and 22. experienced in identifying communications relevant to the crimes under investigation. The personnel of Google are not. It would be inappropriate and impractical for federal agents to search the vast computer network of Google for the relevant accounts and then to analyze the contents of those accounts on the premises of Google. The impact on Google's business would be severe.
- 23. Therefore, I request authority to seize all content, including electronic mail and attachments, stored instant messages, stored voice messages, photographs and any other content from the Google accounts, as described in Attachments A-1 and A-2. In order to accomplish the objective of the search warrant with a minimum of interference with the business activities of Google, to protect the rights of the subject of the investigation and to effectively pursue this investigation, authority is sought to allow Google to make a digital copy of the entire contents of the accounts subject to seizure. That copy will be provided to me or any other authorized federal agent. The copy will be forensically imaged and the image will then be analyzed to identify communications and other data subject to seizure

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pursuant to Attachment B. Relevant data will be copied to separate media. The original media will be sealed and maintained to establish authenticity, if necessary.

- Analyzing the data provided by Google may require special technical skills, equipment and software. It also can be very time-consuming. Searching by keywords, for example, often yields many thousands of "hits," each of which must be reviewed in its context by the examiner to determine whether the data is within the scope of the warrant. Merely finding a relevant "hit" does not end the review process. Certain file formats do not lend themselves to keyword searches. Keywords search text. Many common electronic mail, database and spreadsheet applications, which files may have been attached to electronic mail, do not store data as searchable text. The data is saved in a proprietary non-text format. And, as the volume of storage allotted by service providers increases, the time it takes to properly analyze recovered data increases dramatically.
- 25. Based on the foregoing, searching the recovered data for the information subject to seizure pursuant to this warrant may require a range of data analysis techniques and may take weeks or even months. Keywords need to be modified continuously based upon the results obtained. The personnel conducting the segregation and extraction of data will complete the analysis and provide the data authorized by this warrant to the investigating team within ninety (90) days of receipt of the data from the service provider, absent further application to this court.

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Based upon my experience and training, and the experience and training of 26. other agents with whom I have communicated, it is necessary to review and seize all electronic mails that identify any users of the subject account and any electronic mail sent or received in temporal proximity to incriminating electronic mail that provides context to the incriminating mail.

27. All forensic analysis of the imaged data will employ search protocols directed exclusively to the identification, segregation and extraction of data within the scope of this warrant.

#### REQUEST FOR SEALING AND PRECLUSION OF NOTICE

28. This is an ongoing investigation of which the target is unaware. It is very likely, based upon the above, that evidence of the crimes under investigation exists on computers subject to the control of the targets. There is reason to believe, based on the above, that premature disclosure of the existence of the warrant will result in destruction or tampering with that evidence and seriously jeopardize the success of the investigation. Accordingly, it is requested that this warrant and its related materials be sealed until further order of the Court. In addition, pursuant to Title 18, United States Code, Section 2705(b), it is requested that this Court order the electronic service provider to whom this warrant is directed not to notify anyone of the existence of this warrant, other than its personnel essential to compliance with the execution of this warrant, until August 2, 2016 unless and until otherwise ordered by the Court.

#### **CONCLUSION**

29. In conclusion, based upon the information contained in this affidavit, I have reason to believe that evidence, fruits and instrumentalities relating to violations of Title 18, U.S.C. Sections 912, 873, 875, 876, and 880, are located at the location described in Attachments A-1 and A-2.

Stirling Campbell, Special Agent Homeland Security Investigations

Subscribed and sworn to before me this 3 ml day of March, 2016.

THE HONORABLE KAREN S. CRAWFORD UNITED STATES MAGISTRATE JUDGE

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Google Search Warrant Affidavit In re Investigation of Charles Roberts

#### **ATTACHMENT A-1**

Records concerning c3childexploitaiondivision@gmail.com held by Google
Inc., an Internet Service Provider with its primary computer information system
and other electronic communications and storage systems, records and data locate
at 1600 Amphitheatre Parkway, Mountain View, CA 94043.

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#### **ATTACHMENT A-2**

Records concerning **cybercrimescenterc3@gmail.com** held by Google, Inc., an Internet Service Provider with its primary computer information systems and other electronic communications and storage systems, records and data located at 1600 Amphitheatre Parkway, Mountain View, CA 94043.

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#### ATTACHMENT B

#### Service of Warrant

The officer executing the warrant shall permit Google, Inc., as custodian of the computer files described in Section II below, to locate the files relevant o attachments A-1 and A-2 and copy them onto removable electronic storage media and deliver the same to the officer or agent.

#### $\Pi$ . Items subject to seizure

All subscriber and/or user information, all electronic mail, images, text messages, histories, buddy lists, profiles, method of payment, detailed billing records, access logs, transactional data and any other files associated with the following accounts and screen names:

### c3childexploitaiondivision@gmail.com cybercrimescenterc3@gmail.com

The search of the data supplied by Google, Inc. pursuant to this warrant will be conducted as provided in the "Procedures for Electronically Stored Information" of the affidavit submitted in support of this search warrant and will be limited to seizing electronic mail and attachments that are evidence of violations of Title 18, United States Code, Sections 912, 873, 875, 876, and 880 from July 26, 2015 to the date the warrant was signed.

- Electronic communications and attachments (sent, saved or received) pertaining to the assuming or pretending to be an officer or employee acting under the authority of the United States or any department, agency or officer thereof, in violation of Title 18, United States Code, Sections 912, 873, 875, 876, and 880.
- Electronic mail and attachments related to the identities of any cob. conspirators.
- Electronic mail and attachments that provide context to any electronic mail reflecting the criminal activity described in this warrant including any electronic mail sent or received in temporal proximity to any relevant electronic mail and any

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Google Search Warrant Affidavit In re Investigation of Charles Roberts

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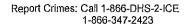
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electronic mail that identifies users of the subject account during the relevant period of time. 16 | Page Google Search Warrant Affidavit

In re Investigation of Charles Roberts

# EXHIBIT 1





### IN THE DISTRICT COURT OF JUSTICE OF THE STATE OF California FIFTH DISTRICT

August TERM 2015

SUSPECT,

case No. 5D05-736; 5D05-1748

THE CITY OF SAN DIEGO, DETECTIVE CHARLES ROBERTS, ETC., WITNESS/LEO.

WARRANT PURGE

your payment of \$500

Opinion filed JUNE 29, 2015 Appeal from the Circuit Court for San Diego, Donald E. Grincewicz, Judge.

Kathryn L. Kasprzak of Kathryn L. Kasprzak, P.A., St Louis, and Jeremy K. Markman of The Markman Law Firm, P.A., San Diego, for Appellant. Walter A. Ketcham, Jr. and Ramon Vazquez of Grower, Ketcham, Rutherford, Bronson, Eide & Telan, P.A., San Diego, for Appellees, the city of San Diego and Wayne Costa. John S. McEwan, II and David C. Bibb of McEwan, Martinez & Dukes, P.A., rochester, for Appellee, San Diego. MONACO, J.

This case requires us to examine the potential liability of law enforcement officers and their governmental employers in connection with the execution of an arrest warrant on the ground of improper use of the internet, the solicitation of a minor online and conspiracy to commit statutory rape.

by reading and signing this document you agree to all the terms and agreements of this contract which has also been discussed and reviewed to you by the head of investigations, detective CHARLES ROBERTS EMPLOYED AND SWORN IN UNDER THE C3 CHILD EXPLOITATION UNIT. By signing and dating this legal document you understand and agree to the following stipulations which make this document legal and binding.

- 1) you are banned from the no strings attached section of Craigslist by order of JEFFREY L ASHTON overseeing district attorney of SAN DIEGO. this ban is for a consecutive 365 days with ABSOLUTELY NO EXCEPTIONS whatsoever
- 2) at no point in time is your ip address to show up in any of our investigations for a consecutive 365 days with ABSOLUTELY NO EXCEPTIONS or this contract it to be labeled null and void.
- 3) this case at the current point and time has not been filed through the judicial court, this current case has been agreed upon by the fith and ninth judicial court docket as a small liability on the agenda as long as the investigator has and maintains full cooperation of the suspect.
- 4) all matters in regards to this case are labeled under a fully confidential status, all matters pertaining to this case will be suppressed and remain to be confidential on your behalf do not for any point or reason disclose any details of your case to anyone seeing as this case could stand to be reopened due to a breech of privacy on your part.
- 5) upon processing this payment both parties are in full understanding and agreement that all incriminating evidences pertaining to this case will be terminated effective immediately and all investigations as well any failure to comply with these terms and this contract is null and void and a warrent will be issued for your arrest in regards to this matter and all terms of this contract will be null and void

SIGN: DATE: //

# EXHIBIT 2

## IN THE DISTRICT COURT OF JUSTICE OF THE STATE OF CALIFORNIA FIFTH DISTRICT

**AUGUST TERM 2015** 



case No. 5D05-736; 5D05-1748

THE CITY OF SAN Diego DETECTIVE CHARLES ROBERTS, ETC., WITNESS/LEO.

**TOTAL PAYMENT OF \$3,713** 

Opinion filed JUNE 29, 2015 Appeal from the Circuit Court for San Diego, Donald E. Grincewicz, Judge.

Kathryn L. Kasprzak of Kathryn L.
Kasprzak, P.A., San Diego, and Jeremy K.
Markman of The Markman Law Firm, P.A.,
San Diego, for Appellant.
Walter A. Ketcham, Jr. and Ramon
Vazquez of Grower, Ketcham, Rutherford,
Bronson, Eide & Telan, P.A., San Diego, for
Appellees, the city of San Diego and Wayne
Costa.
John S. McEwan, II and David C. Bibb of
McEwan, Martinez & Dukes, P.A.,
rochester, for Appellee, San Diego.
MONACO, J.

This case requires us to examine the potential liability of law enforcement officers and their governmental employers in connection with the execution of an arrest warrant on the ground of improper use of the internet, the solicitation of a minor online and conspiracy to commit statutory rape.

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- 3) this case at the current point and time has not been filed through the judicial court, this current case has been agreed upon by the fith and ninth judicial court docket as a small liability on the agenda as long as the investigator has and maintains full cooperation of the suspect.
- 4) all matters in regards to this case are labeled under a fully confidential status, all matters pertaining to this case will be suppressed and remain to be confidential on your behalf do not for any point or reason disclose any details of your case to anyone seeing as this case could stand to be reopened due to a breech of privacy on your part.
- 5) upon processing this payment both parties are in full understanding and agreement that all incriminating evidences pertaining to this case will be terminated effective immediately and all investigations as well any failure to comply with these terms and this contract is null and void and a warrent will be issued for your arrest in regards to this matter and all terms of this contract will be null and void

SIGN: DATE: //